

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.828 of 2005

Date of order : 28th December, 2005

C O R A M

Hon'ble Mr. Justice P. K. Sinha, Vice-Chairman

Smt. Shanti Devi & others

.....

Applicant.

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri U.S.Sharma.

Counsel for the respondents : Shri A.A.Khan, SC

O R D E R

Justice P.K.Sinha, Vice-Chairman :-

Heard the ld. counsel for the applicant and Shri A.A.Khan , ld.SC, for the respondents. The applicant no.1, Smt Shanti Devi is the widow of late Sukar Marandi, Ex. Gangman and applicant no.2, Barki Marandi, is the only



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issue of the first wife of the deceased employee. It is submitted that the applicant no.1 was got married after the death of the first wife. Sukar Marandi, who was working under the Section Engineer, P.Way, Kiul, E.C.Railway had died in harness on 14.1.1996. It is submitted that it is admitted position that for getting the terminal benefits and family pension, there arose a dispute between the two applicants which necessitated filing of a succession case bearing no.12 of 2000 which ended in compromise and a succession certificate was granted vice Annexure-A3/1 [on compromise at Lok Adalat] in which both were allowed half of the share of Death-cum-Retirement Gratuity, Group Insurance Scheme and G.P.F., the amount jointly coming to Rs.60451/- The ld. counsel for the applicant submits that as claimed in para 4.4 of the application, the succession certificate was handed over to the respondents on 17.10.2003 and despite the order that the amount of DCRG be equally distributed between the applicants vide Annexure-5/1 dated 23.1.2004 and family pension granted in favour of Smt. Shanti Devi , the applicant no.1 w.e.f. the date of death of her husband, vide Annexure-5/2, not a single paisa has till now been paid by the respondents on any count whatsoever.

2. The ld. counsel for the applicant submits that both the applicants agree that the aforesaid amount of D.C.R.G. as well leave encashment



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amount may be given in equal shares to the two applicants and the family pension be given to the applicant no.1, Smt. Shanti Devi with arrears. The applicants also claim interest thereupon.

3. It is surprising that even after filing of succession certificate, the authorities have sat over the matter and have not paid the terminal benefits including family pension to the applicants in accordance with the extant rules and the law.

4. This application is, therefore, disposed of with direction to the Respondent No.2, the Divisional Railway Manager, E.C. Railway, Danapur to look into the matter and, if the amounts aforesaid have not been paid, to order payment of the entire arrears of family pension to Smt. Shanti Devi within three months of the receipt of a copy of this order and to make payment of monthly family pension regularly thereafter. The arrear of the family pension should be paid with interest @ 8 per cent per annum, simple, starting from 17.10.2003 when the succession certificate was handed over, till the arrears are paid. The other terminal benefits should be paid in equal shares to both the applicants within the aforesaid period, if not already paid, which should also be paid with interest @ 8 per cent also computing w.e.f. 17.10.2003, upto the date the payments are made. If for some lawful reason, the aforesaid amounts cannot be so paid, the Respondents No.2,

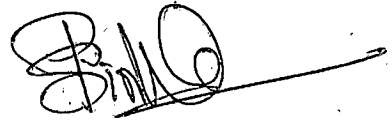
Bill

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within this very period, would record a reasoned and speaking order for that.

With the aforesaid directions, this O.A. is disposed of.



[P.K.Sinha]
Vice-Chairman

mps.